

October 1, 2015: Capital Subcommittee of the Advisory Committee Report on Article 6

The Capital Subcommittee met twice to discuss Article 6, first on Thursday, September 24th at 5:30 in Room 310 and again on Wednesday, September 30 at 5:30 in Room 408.

In attendance September 24th: Capital Subcommittee members Fred Levitan, Amy Hummel, Carla Benka, Cliff Brown, Harry Friedman, and Stanley Shuman; Regina Frawley, Hugh Mattison, Arlene Mattison, Antonia Bellalta, Nancy O'Connor, Dan Lyons, Scott Murphy, Erin Gallentine.

In attendance September 30th: Capital Subcommittee members Amy Hummel, Carla Benka, Harry Friedman, Fred Levitan, Cliff Brown; Erin Gallentine, Director of Parks; Joslin Murphy, Town Counsel; Alison Steinfeld, Planning Department; Marry Ellen Dunn, School Department; Susan Wolf-Ditkoff, School Committee, David Pollack, School Committee; Park and Rec. Commisison Members: Dan Lyons; Jim Carroll; Antonia Bellalta; Nancy O'Connor; and John Bain; TMM Craig Bolon.

Article Summary

Article 6 seeks to formally dedicate 55 acres of Larz Anderson Park as parkland in order to receive up to \$400,000 in grant monies for park improvements. The Commonwealth requires the land be specifically designated as parkland in order to qualify for grant funding. In addition to making the Town eligible to receive grant monies the article provides a means for the Town to apply for, finance and execute improvements to Larz Anderson.

Broader Overview

Article 6 was put forth by the Parks and Recreation Commission which seeks authorization to:

- Dedicate approximately 55.05 acres of the approximately 65 acre park for public park purposes under the provisions of MGL Chapter 45, Section 3. (Formalize.)
 - Authorize the Commissioner of Public Works, with the approval of the BOS, to file applications necessary to be eligible for grants and/or reimbursements from the Commonwealth's PARC grant program (Apply.)
 - Authorize the Commissioner of Public Works, with the approval of the BOS, to enter into agreements to improve the park (Execute.)
 - Ask Town Meeting to appropriate \$400,000 or any other sum, for improvements to the park; and to determine whether this appropriation shall be raised by borrowing or otherwise, provided that any amount borrowed shall be repaid by the amount of any aid received. (Finance.)
- (The complete language of the article appears in the article itself.)

Article 6 seeks to formalize the park's status with language required by the Commonwealth to receive Parkland Acquisitions and Renovations for Communities (PARC) grant monies. The maximum value of the grant is \$400,000.

Scope

The scope of the park project appears at length in the Article 6 description particularly in the third and fourth paragraphs. It notes that the project will repair, restore and/or replace critical access and infrastructure elements in the park including pedestrian paths, stairs, historic bridges, parking, a carriage road, lighting and improve drainage. The 1989 Larz Anderson Master Plan includes a recommendation for a perimeter path around the park, which this project seeks to add.

The 55.05 acres the Commission seeks to formally protect excludes approximately 10 acres, referred to as the services area, which includes the Auto Museum (Carriage House), the staging areas used by the Town for equipment, and three small homes on the property. Approximately four acres of the excluded services area falls on the Boston side of the property.

Background

Isabel Anderson donated the land to the town "for purposes of public recreation, or for charitable purposes, or for purposes of public education" in 1951. The property is individually listed on the State and National Register of Historic Places. There is also a 1998 Massachusetts Historic Commission Preservation Restriction for the top of the hill. (Quoted from the Town's Open Space 2010 Report.)

In May 2013 Town Meeting approved raising and appropriating \$660,000 for improvements at Larz Anderson, which is the Town's non-reimbursable portion of the project. Should Town Meeting vote in favor of Article 6, the vote will be registered with the deed to the land, formally providing the specified 55 acres with Article 97 protections.

The Parks and Recreation Commission has a Strategic Master Plan which includes a full inventory of assets at each facility. This step in protecting and improving Larz Anderson is part of that plan. The Conservation Commission also has an Open Space Plan, which is updated every five to seven years. The latest copy is the 2010 plan. The Open Space Plan had significant community input and including but not limited to representatives from the Park's Department, Cemetery Trustees, Advisory Committee, Greenspace Alliance, Tree Planting Committee, EDAB, the School Department, Transportation, and the Council on Aging.

The Park and Recreation Commission, along with the Parks Department put forth this Article to secure grant monies from PARC, which come available approximately every two years for the purposes of maintaining and updating the park facilities, and protecting parks within the Commonwealth for future generations. There are many

other Brookline parks that have received Land and Water Conservation Fund support since the late 1960's.

Discussion

Although this Article was brought forth to further work in the Master Plan and complete long deferred work at Larz Anderson, which the sub-committee appreciates, the timing was a primary concern to the majority of sub-committee members. Members were concerned that by affirmatively protecting the parkland under Article 97, the Town would be relinquishing land use options it may otherwise need without a sufficiently robust Town and community discussion.

The grant application has already been submitted and the Town will receive a response in one to three months, at which point it must be ready to execute contracts or forfeit the funding. Committee members asked if waiting until the 2016 Annual Town Meeting would be too late for this application round, and were told it would be. The grants are generally available every two years. It was unclear what impact rejecting the funding might have on future grant applications. The sub-committee appreciated the time constraints, but was hesitant to forfeit the Town's land use options at Larz Anderson Park in return for the possibility of obtaining grant funding.

Given the back-drop of the 2015 Override, the need to support the growing school population, particularly in terms of space, and the strong desire that all town departments work in concert and with the community, the sub-committee was hesitant to take town owned property out of consideration. The sub-committee did hear that the Director of Economic Development was aware of the plan and had not expressed any reservations. In the interest of being more inclusive the sub-committee scheduled a second hearing and invited Town Counsel, the Director of the Planning and Community Development Department and School Committee representatives.

Town Counsel was present when the sub-committee reconvened on September 30th, and responded to several questions the sub-committee posed. The key points follow:

- Recent changes in the law made presumed Article 97 protections for parks more tentative than previously thought. The park is probably not protected under Article 97. The qualifying language, pursuant to the grant, when registered with the deed is the only way to assure Article 97 protections.
- Once any park is protected under Article 97 the barrier to use the land for some other purpose is high. Example requirements include: a unanimous vote of both the Conservation and Park Commissions that the land is surplus to municipal needs; a 2/3 vote of Town Meeting; a 2/3 vote of the State Legislature; and a designated replacement parcel.

- The formal designation of the land as parkland does not run afoul of the Anderson bequest thanks to the carefully worded language in the bequest.
- Article 97 restrictions would apply no matter the amount of grant money, if any, received from the State.
- Although the language in Chapter 45 section 3, referred to in clause 4 of warrant article, may not seem to fit the Larz Anderson Park property, the Commonwealth requires it.

The sub-committee also asked about the possibility of limiting the scope of the protection as a possible compromise but heard that the Commonwealth's Executive Office of Energy and Environmental Affairs for Parkland Acquisitions and Renovations have an interest in protecting parklands for future use; if the scope of the project were limited, no grant monies could be used for any project outside the protected area, such as the perimeter path. Also if the scope of the submitted application were reduced now, it may impact the outcome.

The School Committee has not taken a position on whether or not a portion of Larz Anderson Park is under consideration or would be desirable as a possible site for a second High School or some other school use.

The Director of Planning and Community Development noted that a consultant, under the supervision of the Planning Department will review all publicly owned land, protected or not, as part of the Strategic Asset Plan. Part of the Strategic Asset Plan study will include a Needs Assessment study, which will gather perspectives from a broad range of constituencies and to try to reconcile a wide variety of needs and haves in the town. That Needs Assessment will also inform the Major Parcel Study which will take place in FY17, if Town Meeting approves funding. Any protected land, however, will not be considered for development purposes.

Public Comment

Members of the Park and Recreation Commission and public spoke about the importance and value of Larz Anderson Park, widely acknowledged as Brookline's flagship park. The sub-committee heard that this is the park is special because it's large enough that the public can go and find some peace away from congestion, traffic and noise. The thought of carving it up, even in small pieces, is devastating to some; nibbling away at Larz Anderson Park would take away its character. As Brookline is becoming more and more developed it is that much more important to protect the open spaces and parks we have.

One member of the public noted that the increase in school children signals a need for more open space, and indicates we should preserve what open space we have. Already the Town has had to manage use of several parks by day care centers and residents; and some of the schools need to close their fields more frequently to recover from the increased use by more children.

The committee also heard that our parks say something about who we are, and they are something we should provide to our citizenry. The parks are there for everyone to enjoy, not just students. Looking at the Larz Anderson parcel in terms of unencumbered land to solve expedient needs of the next few decades fails to consider the longer-term value and legacy of the park.

Sub-Committee Discussion

The sub-committee appreciated the efforts of the Park and Recreation Commission in seeking the grant funding and their commitment to town parks. Members noted that Brookline has added two significant parks in the last decade, Sky Line and Fisher Hill Park, that latter of which is still under construction. They also noted that Larz Anderson Park has limited access to those without a car.

As town-wide needs planning gets underway it is important to keep options open and include the community in the discussions. No special interest should take precedent over another. There may be other possible uses of the space, such as a school or senior housing. Pre-empting other allowable uses at Larz Anderson Park by securing the property exclusively as a park, before larger planning needs are clear and there has been sufficient public discourse, concerned the sub-committee which preferred maintaining flexibility for the parcel at least in the short term.

Conclusion

The committee recommends NO ACTION by a vote of 1 in Favor and 4 Opposed.